

ENTERED

April 26, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Rich Robins,

§

Plaintiff

§

vs.

§

**State Bar of Texas aka the "Texas Bar"
(and officials within it),**

§

§

§

§

Commission for Lawyer Discipline

§

§

John Brannon

§

&

§

Raquel West

§

§

Defendants

CIVIL ACTION: 4:23-cv-00404

ORDER OF DISMISSAL

Before the Court is Plaintiff Richard Robins' Notice of Dismissal, in which he dismisses his claims against Defendant Raquel West, Defendant State Bar of Texas, Defendant Commission for Lawyer Discipline & Defendant John Brannon without prejudice. In his Notice, Robins cites Federal Rule of Civil Procedure 41(a)(1)(A)(i), which allows a plaintiff to voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. Although Rule 41 speaks of dismissing an "action," the Fifth Circuit has interpreted it to allow plaintiffs to dismiss all of their claims against individual opposing parties.

See Oswalt v. Scripto, Inc., 616 F.2d 191, 194–95 (5th Cir. 1980); Plains

Growers ex rel. Florists' Mut. Ins. Co. v. Ickes-Braun Glasshouses, Inc., 474 F.2d 250, 254–55 (5th Cir. 1973);

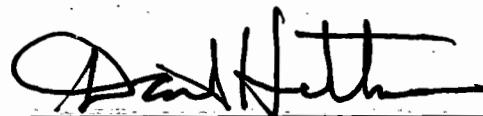
*see also 9 Charles A. Wright, et al. *Federal Practice and Procedure* § 2362 (3d ed. Aug. 2019 update).*

The Defendants have not served an answer or a motion for summary judgment. Robins' notice is therefore "self-effectuating" and "no order or other action of the district court is required."

In re Amerijet Int'l, Inc., 785 F.3d 967, 973 (5th Cir. 2015), as revised (May 15, 2015).

Accordingly, IT IS ORDERED that the Clerk shall TERMINATE Defendants Raquel West, Defendant State Bar of Texas, Defendant Commission for Lawyer Discipline & Defendant John Brannon, as well as this overall case.

SIGNED on: 4/25/23



DAVID HITTNER
United States District Judge